

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JANUARY 11, 2012 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

Mr. Haynes, Chair called the meeting to order.

**DETERMINATION OF A QUORUM:**

Mr. Tuttle established the presence of a quorum.

Present:       Walt Haynes, Chair  
                  Ryan Thum, Vice-Chair  
                  John Tuttle, Secretary  
                  Joel Donahue, Member  
                  William Seitz, Member  
                  Robert Miller, Member  
                  Frank Lau, Member  
                  Bryan Rice, Member  
                  Malvin Wells, Member  
                  Christopher Tuck, Board of Supervisors Liaison  
                  Steve Sandy, Planning Director  
                  Brea Hopkins, Planning & Zoning Technician  
                  Jamie MacLean, Development Planner

Absent:         Dari Jenkins, Planning & Zoning Administrator

**APPROVAL OF AGENDA:**

On a motion by Mr. Miller, and seconded by Mr. Wells, and unanimously carried the agenda was approved.

**CONSENT AGENDA:**

On a motion by Miller, seconded by Thum, and unanimously carried the consent agenda was approved.

**PUBLIC HEARING:**

An ordinance amending Chapter 10, entitled Zoning, Section 10-45(a)(3) of Sign Regulations of the Code of the County of Montgomery, Virginia, in order to:

- Increase the allowable size of temporary contractor's signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on the property on which the work is being done; and
- Amend the temporary signs section by creating a new subsection (h) specifically for political campaign signs under "Permits not required"; and
- Increase the allowable size of political campaign signs from no more than twelve (12) sq. ft to no more than thirty-two (32) sq. ft. on any privately owned lot or parcel.

Mr. Sandy stated the Planning Commission had previously discussed the proposed ordinance amendments with the exception of the temporary contractor's signs. The proposed amendment would increase the allowable area of the contractor sign to 32 sq. feet. Staff has proposed to move the political campaign signs from temporary signs and create a separate section which would allow the signs under "Permits Not Required" and would increase the allowable area to 32 square feet. The County Attorney has stated under the First Amendment the period of time for which the campaign sign could be displayed could not be regulated; however, the size of the sign could be restricted. There are provisions in the ordinance that would allow staff to enforce the location so that it is not obstructive to views and cause safety hazards.

Mr. Miller asked if there was regulation requiring the removal of dilapidated signs.

Mr. Sandy stated if language was not in the ordinance requiring the removal of dilapidated signs it could be added to address that issue.

Mr. Haynes opened the public hearing; however, there being no comments the public hearing was closed.

Mr. Thum stated he understood the position of the County Attorney in regards to regulating the time limit of the campaign signs. Once the election is over, the sign would likely not be considered a "campaign" sign and would then fall under the remaining regulations of the sign ordinance.

Mr. Sandy confirmed that there was a maintenance and removal section in the ordinance that dealt with the length of time and condition of the sign.

Mr. Miller stated he was more comfortable with the proposed amendment given that section is in the ordinance.

A motion was made by Mr. Seitz, seconded by Mr. Wells to recommend approval of the ordinance amending Chapter 10, entitled Zoning, Section 10-45(a)(3) of Sign Regulations of the Code of the County of Montgomery, Virginia, in order to:

- Increase the allowable size of temporary contractor's signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on the property on which the work is being done; and
- Amend the temporary signs section by creating a new subsection (h) specifically for political campaign signs under "Permits not required"; and
- Increase the allowable size of political campaign signs from no more than twelve (12) sq. ft to no more than thirty-two (32) sq. ft. on any privately owned lot or parcel.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle, Wells

Nayes: None

Abstain: None

An Ordinance amending the Fee Schedule for planning and zoning activities by: adding application fees for Planned Unit Development- Traditional Neighborhood Development District (PUD-TND) of \$1000 + 40/acre or portion thereof; adding application fees for Traditional Neighborhood Design- Infill (TND-I) of \$375; adding application fees for Subdivision Variance of \$500; and incorporating the existing AFD Additions & Renewal fee of \$50 (1 applicant) or \$20 (multiple applicants) as required per Section 2-145 of the Montgomery County Code. Applicants shall also pay all costs associated for publishing the required legal notices.

Mr. Sandy reviewed the proposed fee schedule. Fees have been included for the two (2) new Traditional Neighborhood zoning districts. The "Traditional Neighborhood Infill" district fee is low (comparable to the Agriculture rezoning fee) in order to encourage rezoning within the

villages and promote the appropriate development. The TND-PUD district is comparable to the other PUD Districts. A fee for the "Subdivision Variance" was not previously included in the fee schedule. Montgomery County Code outlined the AFD fees; however, they were previously not incorporated onto the fee schedule. There has been a recommendation from the AFD Committee to waive the fee if they were in a conservation easement to prevent district from eroding and ultimately disappearing. If the planning commission desires, language to address that recommendation can be added to the fee schedule. The language has been revised to allow staff with the ability to run required notices in the Roanoke Times or News Messenger.

Mr. Miller noted the language may be more appropriate if it could be revised to read "a newspaper of local circulation" and not name a private business.

Mr. Sandy noted staff could revise the language.

Mr. Haynes opened the public hearing; however, there being no speakers the hearing was closed.

A motion was made by Mr. Miller, seconded by Mr. Rice to recommend approval of An Ordinance amending the Fee Schedule for planning and zoning activities by: adding application fees for Planned Unit Development- Traditional Neighborhood Development District (PUD-TND) of \$1000 + 40/acre or portion thereof; adding application fees for Traditional Neighborhood Design- Infill (TND-I) of \$375; adding application fees for Subdivision Variance of \$500; and incorporating the existing AFD Additions & Renewal fee of \$50 (1 applicant) or \$20 (multiple applicants) as required per Section 2-145 of the Montgomery County Code. Applicants shall also pay all costs associated for publishing the required legal notices with the following revisions:

1. Fees will be waived when owners are renewing property(ies) located within an Agricultural & Forestal District and a Conservation Easement.
2. The language for publishing of legal notices will be revised to read "a newspaper of local circulation" and will not name a private business.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle, Wells

Nays: None

Abstain: None

## **PUBLIC ADDRESS:**

Mr. Haynes opened the public address; however, there being no speakers the public address was closed.

## **NEW BUSINESS:**

### **2011 Annual Report**

Mr. Sandy presented the 2011 Annual Report. The report serves as a joint report for the Planning Commission and the Board of Zoning Appeals. The code of Virginia requires the report be submitted annually. It summarizes the activities that have occurred over the previous year. The report will be presented the Board of Supervisors once acceptance is received from the Planning Commission.

On a motion by Mr. Seitz, seconded by Mr. Donahue the Planning Commission recommended the report be included in the upcoming Board of Supervisor's packets.

## **WORKSESSION:**

On a motion by Mr. Wells, seconded by Mr. Seitz and unanimously carried, the planning commission entered into worksession.

### **Flood Ordinance Amendment**

Mr. Sandy stated FEMA has notified the zoning administrator that an update to the flood ordinance is necessary. There is a panel update that has been made since the 2009 adoption. Our ordinance currently states that "the maps dated September 29, 2009, as amended". FEMA would like the wording changed from "as amended" to "and any subsequent revisions or amendments thereto".. If the County Attorney is in agreement the ordinance amendment will be advertised for public hearings in February.

On a motion by Mr. Wells, seconded by Mr. Donahue and unanimously carried, the planning commission exited worksession.

## **LIAISON REPORTS:**

Mr. Haynes welcomed Mr. Tuck as the Planning Commission Liaison for the Board of Supervisors.

Board of Supervisors- No Report.

Agriculture & Forestal District- No report.

Blacksburg Planning Commission- No report.

Christiansburg Planning Commission- No report.

Economic Development Committee- Mr. Tuttle reported that the meeting was in lockdown due to the VT shooting.

Public Service Authority- Mr. Wells stated the meeting was postponed. Mr. Tuck stated the meeting consisted of discussion regarding administrative issues.

Parks & Recreation Commission- Mr. Thum stated there was no meeting due to lack of a quorum.

Radford Planning Commission- No report.

School Board- No report

Transportation Safety Committee- No report.

Planning Director's Report- Mr. Sandy stated a joint training session with the town planning commission members may be held. Staff would welcome any suggestions regarding topics or items for discussion.

Mr. Haynes noted if anyone has a need to change/switch their Liaison assignments to please let him or Mr. Sandy know.

Mr. Haynes stated that some discussion had been held by Commission members regarding a tour/trip to the Smart Road.

Mr. Sandy stated he would see if a "site visit" could be arranged.

There being no further business the meeting was adjourned at 7:40pm.